



ATTORNEY DOCKET NO.: 46969-5320

Application No.: 10/777,213

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REMARKS

Summary of the Office Action

Claims 7-17 stand withdrawn from consideration.

Claims 1 and 3-6 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,224,264 to Takahashi et al. (hereinafter “Takahashi”).

Claims 1 and 2 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,249,520 to Andris et al. (hereinafter “Andris”).

Claims 1, 3, 5 and 6 stand rejected under 35 U.S.C. § 102(b) as being anticipated by IBM Technical Disclosure Bulletin NN75012226 (hereinafter “IBM Technical Disclosure Bulletin”).

Summary of the Response to the Office Action

Applicants have amended claims 1 and 3-6, and added new claim 18, in order to differently describe embodiments of the disclosure of the instant application. Claims 7-17 stand withdrawn from consideration. Accordingly, claims 1-18 are currently pending with claims 1-6 and 18 currently under consideration.

Rejections under 35 U.S.C. § 102(b)

Claims 1 and 3-6 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Takahashi. Claims 1 and 2 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Andris. Claims 1, 3, 5 and 6 stand rejected under 35 U.S.C. § 102(b) as being anticipated by IBM Technical Disclosure Bulletin. Applicants have amended claims 1 and 3-6 to differently describe embodiments of the disclosure of the instant application. To the extent that these

rejections might be deemed to apply to the claims as newly-amended, they are respectfully traversed for at least the following reasons.

With regard to the applied Takahashi, Andris and IBM Technical Disclosure Bulletin references, Applicants respectfully submit that these cited references are related to a semiconductor chip carrier or a mask for packaging in a semiconductor manufacturing process. On the other hand, embodiments of the disclosure of the instant application, as described in the claims, are related to a dry etching process applied to an electroluminescence (EL) layer when manufacturing an EL element.

More specifically, Applicants respectfully submit that the applied Takahashi reference merely discloses a film carrier for mounting semiconductor chip. Applicants respectfully submit that Andris merely discloses a shock absorber pad 110, protrusions 111, a metal mask, and the like, that are provided in order to avoid the spiking or the voids (see col. 2, lines 15-36 of Andris) of the conductive paste when forming an multi-layer ceramic (MLC) circuit (see, col. 1, lines 10-11 of Andris) using a “green sheet” (see, col. 1, line 42 of Andris). Additionally, Applicants respectfully submit that the applied IBM Technical Disclosure Bulletin merely discloses a non-contact mask having terminal pad holes 12 and stand-off pads 14 for forming electrodes on the semiconductor chip.

On the contrary, (i) embodiments of the disclosure of the instant application, as described in the newly-amended claims, are related to a patterning mask used in a dry etching process (a plasma etching process). Additionally, the mask includes (ii) a pass-through aperture for exposing only a surface of the thin film to be etched and (iii) a blocking portion enclosed by the protruding periphery portion for covering a surface of the thin film other than those that are to be etched.

Newly-amended independent claim 1 accordingly describes a combination of features of an etching mask used for a plasma etching process of a thin film that includes a pass-through aperture for exposing only a surface of the thin film to be etched; a protruding periphery portion that protrudes at the periphery of the pass-through aperture, and a blocking portion enclosed by the protruding periphery portion for covering a surface of the thin film other than those that are to be etched.

With this arrangement, Applicants respectfully submit that high energy particles which are generated in the etching processing can be blocked from entering into the non-etching portion. See, for example, page 32, lines 6-8 of the instant application's specification. Thus, a dry etching mask that enables accurate pattern formation of organic films can be provided. See, for example, page 3, lines 18-22 of the instant application's specification.

As described above, these specific arrangements of embodiments of the disclosure of the instant application, as described in the newly-amended claims, are neither disclosed or suggested in the cited references.

Accordingly, Applicants respectfully assert that the rejections under 35 U.S.C. § 102(b) should be withdrawn because none of Takahashi, Andris, or IBM Technical Disclosure Bulletin, taken separately as applied by the Office Action, teach or suggest each feature of independent claim 1, as amended. As pointed out in MPEP § 2131, "[t]o anticipate a claim, the reference must teach every element of the claim." Thus, "[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. Verdegaal Bros. v. Union Oil Co. Of California, 2 USPQ 2d 1051, 1053 (Fed. Cir. 1987)." Furthermore, Applicants respectfully assert that the dependent claims,

including newly-added dependent claim 18, are allowable at least because of their dependence from independent claim 1, and the reasons set forth above.

CONCLUSION

In view of the foregoing, Applicants submit that the pending claims currently under consideration are in condition for allowance, and respectfully request reconsideration and timely allowance of these claims. Should the Examiner feel that there are any issues outstanding after consideration of this response, the Examiner is invited to contact Applicants' undersigned representative to expedite prosecution. A favorable action is awaited.

EXCEPT for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. § 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account No. 50-0573.

This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully submitted,

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